

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT JAMES SWINT,

Plaintiff,

-against-

ROBERT S. MUELLER III; FALLOUT 76;
JOHN W. DEAN III; HURRICANE SANDY;
NEW YORK TIMES,

Defendants.

21-CV-2966 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Robert James Swint,¹ appearing *pro se*, brings this action alleging that

Defendants violated his rights. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court an identical complaint that is pending under case number 21-CV-2960 (CM). Because this complaint raises the same claims against the same defendants, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending action under case number 20-CV-2960 (CM).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff's complaint is dismissed as duplicative.

¹ The caption lists the names of several other plaintiffs, but only Robert James Swint signed the complaint. As a *pro se* litigant, Swint "cannot act on behalf of other individuals. See *U.S. ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) ("[A]n individual who is not licensed as an attorney may not appear on another person's behalf in the other's cause." (internal quotation marks and citation omitted)); *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998) ("[B]ecause *pro se* means to appear for one's self, a person may not appear on another person's behalf in the other's cause."). Accordingly, the Court considers Swint as the sole plaintiff in this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 13, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge